

STATE ELECTION COMMISSION, HARYANA
NIRVACHAN SADAN, PLOT NO. 2, SECTOR 17,
PANCHKULA

Order

The 21st July, 2009

No. SEC/3ME/2009/5090.—Whereas, the General Election to Municipal Committee Nilokheri, District Karnal was held on 20th January, 2008, Sh. Satpal contested the election from Ward No. 9 and was declared elected. As per provisions contained under Section 13 D and 13 E of Haryana Municipal Act, 1973, every contesting candidate of Municipal Committee has to maintain his election expenditure account from the date of his nomination till the declaration of result. Sh. Satpal who failed to lodge his election expenditure account within 30 days of the declaration of the result, was disqualified and was removed from the office of Councilor *vide* this Commissions' orders No. SEC/3ME/2009/1236, dated 20th February, 2009.

Whereas, Sh. Satpal filed a Civil Writ Petition No. 4099 of 2009 in the Hon'ble Punjab and Haryana High Court, Chandigarh. The Hon'ble Punjab and Haryana High Court, Chandigarh *vide* its orders dated 17th May, 2009 has set aside the disqualification and removal orders from the office of Councilor, issued by the State Election Commission, Haryana *vide* its order dated 20th February, 2009 and further directed that the petitioner would be at the liberty to place before the State Election Commission, Haryana the material to show that the bonafide reasons and for the reasons beyond his control, he could not file the election expenditure, as required by the law, in time. The State Election Commission, Haryana shall take into account the material placed by him before it and consider the reasons for filling the election expenditure beyond prescribed time limit and pass an order afresh in accordance with law.

Whereas, Sh. Satpal *vide* this Commission letter dated 31st May, 2009 was directed to submit his reply within one month from the date of issue of memo. so that his case may be considered afresh.

And, whereas, Sh. Satpal member, Ward No. 9, Nilokheri, District Karnal filed his reply through Sh. Parminder Singh, Advocate on 24th June, 2009 and he was called for personal hearing on 14th July, 2009 in the Commission. Sh. Parminder Singh, Advocate stated that Sh. Satpal was suffering from "Pneumonia" and his "Bua" had also expired on 3rd March, 2009. He produced a Medical Certificate and a death certificate in this regard. He had actually lodged his election expenditure on 19th December, 2008. He further stated that it was first election after introduction of the Amendment Act, *vide* which Section 10A of the R. P. Act 1951 became applicable in the Municipal Election also. He has also requested to take sympathetic view while taken final decision in the case. I have carefully considered the written submission and heard Sh Satpal through his advocate in detail and after taking a lenient view in this case, I have come to the conclusion that Sh. Satpal may be exempted to file his election expenditure beyond prescribed limit and delay in filing the election expenditure is condoned. Notice of disqualification may be treated as filed.

Copy of the order be communicated to all concern and got notified in the Haryana Government Gazette.

Panchkula :

The 15th July, 2009

CHANDER SINGH,

State Election Commissioner, Haryana.